

Eaonfoxc

Conference

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 FOX NEWS NETWORK,

4 Plaintiff,

5 v.

13 Civ. 5315 (AKH)

6 TVEYES, INC.,

7 Defendant.

8 -----x

9 New York, N.Y.
10 October 24, 2014
1:30 p.m.

11 Before:

12 HON. ALVIN K. HELLERSTEIN,

13 District Judge

14 APPEARANCES

15 KIRKLAND & ELLIS
Attorneys for Plaintiff
16 BY: DALE CENDALI
JOSHUA SIMMONS

17 QUINN EMMANUEL URQUHART & SULLIVAN
Attorneys for Defendant
18 BY: TODD ANTEN
19 JESSICA ROSE

Eaonfoxc

Conference

1 (In open court)

2 (Discussion off the record)

3 THE COURT: This proceeding is intended to carry out
4 the issues that I could not decide in my decision of September
5 9, 2014. The parties have been working together to create a
6 schedule of the work that will be done, by the end of which
7 they believe they will be in a position to renew the motion for
8 summary judgment so that I can achieve finality and allow
9 either or both the parties to appeal to the Court of Appeals on
10 what is in many respects a novel issue of fair use of a
11 copyright.

12 In connection with that, both sides will be permitted
13 to take 30(b)(6) depositions, confined to the questions I ruled
14 that I could not decide because of issues of fact or issues
15 that have not been sufficiently illuminated in the briefing to
16 me.

17 Ms. Cendali will go first and her deposition will take
18 place on November 13 at 10 a.m., confined to one day. And
19 TVeyes will go second and conduct their 30(b)(6) deposition on
20 November 20, also one day.

21 I will let you both know that there will be no
22 speaking objections at these depositions. If a party wishes to
23 object, they will say objection to form and that will be it.
24 If the party asking the questions wants more information, the
25 party will be free to ask for it, and then it will be up to the

Eaonfoxc

Conference

1 attorney to provide the information, but if there is no
2 question for elucidation, the objector will do no more than
3 just state, "Objection."

4 MS. ROSE: Given the narrow scope of these
5 depositions, are we allowed to object on grounds of relevance?

6 THE COURT: You always reserve that. The relevance is
7 bound by the rulings I made. If there is a question about it,
8 you deal with it the way you deal with questions of substance
9 under the Federal Rules of Civil Procedure.

10 I expect that you will be able to conduct yourself
11 professionally on this.

12 The next step after that will be the delivery of an
13 expert's report, again confined to the questions that I could
14 not resolve in my decision. Ms. Cendali will deliver her
15 expert's report by noon on December 15.

16 MS. CENDALI: I think you said 4 o'clock.

17 THE COURT: 4 p.m., December 15. Yes, I did.

18 I will see the lawyers for the parties on December 18
19 at 2:30. Of course, principals are always invited. The
20 purpose of that status conference on December 18 at 2:30 is to
21 regulate what, if any, additional proceedings will be desired
22 or ordered.

23 Our goal in all of this is to complete as much as we
24 can the issues of this case so that the parties can bring them
25 to the Court of appeals. Any comments?

Eaonfoxc

Conference

1 MR. ANTEN: No, your Honor.

2 MS. CENDALI: We understand your ruling, your Honor.

3 MS. ROSE: Thank you, your Honor.

4 (Adjourned)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25